

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 263**

Introduced by Rogert, 16.

Read first time January 14, 2009

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 81-2,147  
2 and 81-2,162.22, Reissue Revised Statutes of Nebraska;  
3 to provide that state law preempts local law for the  
4 Nebraska Seed Law and the Nebraska Commercial Fertilizer  
5 and Soil Conditioner Act; to harmonize provisions; and to  
6 repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Nebraska Seed Law and any rules and  
2 regulations adopted and promulgated thereunder shall supersede and  
3 preempt any ordinance, rule, regulation, or resolution enacted by  
4 any political subdivision of the state regarding the regulation  
5 of seeds. No political subdivision shall prohibit or in any other  
6 manner regulate any matter relating to the registration, labeling,  
7 or sale of seeds based upon the type, nature, or genetic makeup of  
8 such seeds. No political subdivision shall prohibit or in any other  
9 manner regulate any matter relating to the storage, transportation,  
10 distribution, notification of use, planting, or cultivation of  
11 seeds that are in addition to or in conflict with the Nebraska  
12 Seed Law and any rules and regulations adopted and promulgated  
13 thereunder. Nothing in this section shall be construed to preempt  
14 or otherwise limit the authority of any city or county to adopt and  
15 enforce zoning regulations.

16           Sec. 2. Section 81-2,147, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           81-2,147 Sections 81-2,147 to 81-2,147.11 and section 1  
19 of this act shall be known and cited as the Nebraska Seed Law.

20           Sec. 3. The Nebraska Commercial Fertilizer and Soil  
21 Conditioner Act and any rules and regulations adopted and  
22 promulgated thereunder shall supersede and preempt any ordinance,  
23 rule, regulation, or resolution enacted by any political  
24 subdivision of the state regarding the regulation of fertilizer and  
25 soil conditioners. No political subdivision shall prohibit or in

1 any other manner regulate any matter relating to the registration,  
2 labeling, or sale of fertilizer and soil conditioners. No political  
3 subdivision shall prohibit or in any other manner regulate any  
4 matter relating to the storage, transportation, distribution,  
5 notification of use, or use that are in addition to or in conflict  
6 with the Nebraska Fertilizer and Soil Conditioner Act and any  
7 rules and regulations adopted and promulgated thereunder. Nothing  
8 in this section shall be construed to preempt or otherwise limit  
9 the authority of any city or county to adopt and enforce zoning  
10 regulations.

11           Sec. 4. Section 81-2,162.22, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           81-2,162.22 Sections 81-2,162.01 to 81-2,162.27 and  
14 section 3 of this act shall be known and may be cited as the  
15 Nebraska Commercial Fertilizer and Soil Conditioner Act.

16           Sec. 5. Original sections 81-2,147 and 81-2,162.22,  
17 Reissue Revised Statutes of Nebraska, are repealed.